



LAKE ACCESS SOLUTION



February 15, 2012

To: House Government Operations Committee

From: Lyon Township Board, Roscommon, Michigan

Senate Bill 778 contains 2 subsections. Subsection (1) prohibits overnight mooring or the placement of boat hoists or anchoring devices on all road ends at every lake in the State of Michigan. Subsection (2), prohibits the placement of a seasonal dock at a road end unless authorized by the local unit of government.

We support subsection (2) requiring the local unit of government to oversee the placement of public seasonal docks at road ends. **We do not support subsection (1)** because it leaves the local unit of government out of the decision making process relative to boat mooring devices. **One size does not fit all.** Local elected officials represent **ALL** their tax payers and are in the best position to know their local areas and constituents.

The Michigan State Legislature has placed with the townships the power to adopt regulations purely local in nature to enhance health, safety, and welfare within its own community. Local units of government already administer their own zoning regulations, taxes, millage rates, ordinances, public safety (fire, ems, police), waste services, etc. Why single out boat mooring?

In regard to jurisdiction over inland lakes and streams, the Michigan Supreme Court declared, in their decision in 1992 in *Hess vs. West Bloomfield Township* that the regulatory authority possessed under the *Township Rural Zoning Act, Act# 184, P.A. of 1943*, **encompassed more than “dry land”**. The Court argued that townships could not protect bodies of water from destruction or impairment without the ability to regulate riparian rights.

Allow local mooring issues to be resolved at the local level!

Thank you for your time and consideration.

Fred Koenigbauer, Supervisor, Lyon Township, Roscommon County, Michigan

June 15, 2011

Paul Lang
Vice President
Two Lakes Building Corporation
5076 Flint Road
Roscommon, MI 48653

Senator Darwin L. Boohar
P.O. Box 30036
Lansing, MI 48909-7536

Regarding: Road end access at Higgins Lake

Dear Senator,

I am writing to you this letter to address the road end situation that affects Higgins Lake and many more of our inland lakes in Michigan.

Since 1976 my family has been building homes throughout Northern Michigan. We have constructed over 2,800 homes during this time. Two Lakes has weathered bad economic times before but never have we had to endure such a severe recession. It seems the perfect storm of economic destruction has hit our state.

In particular take into consideration the Higgins and Houghton Lake areas. This gem of Northern Michigan offers 60 miles of shoreline, thousands of acres of state land and is an outdoorsmen dream. So why does it continue to languish while blight and disrepair set in? Granted Michigan's economic problems have much to contribute but one would think that such a wonderful recreation area, 2 ½ hours North of Metro Detroit, would still attract tourists and vacationers alike. At this current time home prices have never been lower, yet still hundreds of homes remain vacant.

I am sure you know of the budget woes of our local townships. From a business man's perspective I am truly befuddled why Higgins Lake, Michigan's prettiest in-land lake by all accounts, has such a pitiful amount of commerce in the area. Over the last 5 years more businesses have disappeared then opened. Most of the businesses that remain are for sale. Houghton Lake has the same problems with many of the keystone businesses in the area shutting their doors.

One main contributing reason for this decline was the short sighted decision to remove road end access to the lakes. This access had been granted for decades. Suddenly about 6 years ago the DNR got involved and forced all non-lakefront people from the keeping their boats at the end of public streets. These public roads were designed specifically to allow access for the public at the end of the road. Thousands of homeowners in the area now had no place to keep their boat. Thousands of tax payers had no incentive to remain in the area. Thousands of dollars of real estate values declined immediately.

The lake front owners thought they had won a great victory for themselves. What they essentially did was doom local businesses to failure and opened the door for blight to set in. Higgins Lake in particular became known as a private lake with limited access through the State Parks. Keep in mind this lake is over 9000 acres in size and has the capacity for large numbers of boats. There was no reason other than greed to allow this to happen. Drive through the area and take a look at one of Michigan's prettiest areas as it continues to decline. Recently the DNR had to spend money on signs telling swimmers at the State Parks to beware of swimmers itch partly because there is no unified front to fight the problem on the lake. With the majority of home owners in the area now disenfranchised from Higgins how can a local governing authority ask for funds from residents to help maintain the quality of the lake?

The question of "What would happen?" has been answered. Now it is time to either take action or allow this area to continue down until there is no money to maintain even the roads. But the action needed is not difficult. Simply return to the back-lot access that they had prior. What is the worst that could happen? Home values will increase. Tourism will increase. Local commerce will increase. People will have reasons to buy cabins or retirement homes here. People will find a reason to stay in Michigan.

The Lakes are our shared resources here in the State, please allow the Townships to use them to their advantage.

Yours truly,

Paul Lang

VP

Two Lakes Building Corporation

(989) 821-6349

SUBSTITUTE FOR
SENATE BILL NO. 778

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 30111b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 30111B. (1) A PUBLIC ROAD END SHALL NOT BE USED FOR ANY
2 OF THE FOLLOWING UNLESS ^{AUTHORIZED BY THE LOCAL UNIT OF GOVERNMENT OR} A RECORDED DEED, RECORDED EASEMENT, OR
3 OTHER RECORDED DEDICATION EXPRESSLY PROVIDES OTHERWISE:
4 (A) CONSTRUCTION, INSTALLATION, MAINTENANCE, OR USE OF ^{SEASONAL} BOAT
5 HOISTS OR BOAT ANCHORAGE DEVICES.
6 (B) MOORING OR DOCKING OF A VESSEL BETWEEN 12 MIDNIGHT AND
7 SUNRISE.
8 (C) ANY ACTIVITY THAT OBSTRUCTS INGRESS TO OR EGRESS FROM THE
9 INLAND LAKE OR STREAM.
10 (2) A PUBLIC ROAD END SHALL NOT BE USED FOR THE CONSTRUCTION,

1 INSTALLATION, MAINTENANCE, OR USE OF A DOCK OR WHARF OTHER THAN A
 2 SINGLE SEASONAL PUBLIC DOCK OR WHARF THAT IS AUTHORIZED BY THE
 3 LOCAL UNIT OF GOVERNMENT. THIS SUBSECTION DOES NOT PROHIBIT ANY USE
 4 THAT IS EXPRESSLY AUTHORIZED BY ^{THE LOCAL UNIT OF GOVERNMENT} A RECORDED DEED, RECORDED EASEMENT,
 5 OR OTHER RECORDED DEDICATION. THIS SUBSECTION DOES NOT PERMIT ANY
 6 USE THAT EXCEEDS THE USES AUTHORIZED BY ^{THE LOCAL UNIT OF GOVERNMENT} A RECORDED DEED, RECORDED
 7 EASEMENT, OTHER RECORDED DEDICATION, ~~OR A COURT ORDER.~~

8 (3) THE LOCAL UNIT OF GOVERNMENT MAY PROHIBIT A USE OF A
 9 PUBLIC ROAD END THAT VIOLATES THIS SECTION.

10 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF A
 11 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
 12 A FINE OF NOT MORE THAN \$500.00, OR BOTH. EACH 24-HOUR PERIOD IN
 13 WHICH A VIOLATION EXISTS CONSTITUTES A SEPARATE VIOLATION OF THIS
 14 SECTION. A PEACE OFFICER MAY ISSUE AN APPEARANCE TICKET AS
 15 AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF
 16 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, TO A PERSON
 17 WHO VIOLATES SUBSECTION (1) OR (2).

18 (5) THIS SECTION DOES NOT PROHIBIT A PERSON OR AGENCY FROM
 19 COMMENCING A CIVIL ACTION FOR CONDUCT THAT VIOLATES THIS SECTION.

20 (6) AS USED IN THIS SECTION:

21 (A) "LOCAL UNIT OF GOVERNMENT" MEANS THE COUNTY, TOWNSHIP,
 22 CITY, OR VILLAGE WITH JURISDICTION OVER A PUBLIC ROAD.

23 (B) "PUBLIC ROAD" MEANS A COUNTY ROAD OR A TOWNSHIP, CITY, OR
 24 VILLAGE STREET THAT IS OPEN FOR USE BY THE PUBLIC.

25 (C) "PUBLIC ROAD END" MEANS THE TERMINUS OF A PUBLIC ROAD AT
 26 AN INLAND LAKE OR STREAM.